

THE HONORABLE BARBARA J. ROTHSTEIN

JAMES A. TUPPER (WSB #16873)
LYNNE M. COHEE (WSB #18496)
Tupper Mack Wells PLLC
2025 First Avenue, Suite 1100
Seattle, WA 98121
Phone: (206) 493-2300
Fax: (206) 493-2310
tupper@tmw-law.com
cohee@tmw-law.com

*Attorneys for Applicant Defendant-Intervenor
City of Coeur d'Alene*

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIERRA CLUB; and CENTER FOR
ENVIRONMENTAL LAW AND POLICY,

Plaintiffs,

and

THE SPOKANE TRIBE OF INDIANS,

Plaintiff-Intervenor,

v.

DENNIS McLERRAN; GINA MCCARTHY and
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendants,

and

SPOKANE COUNTY; KAISER ALUMINUM
OF WASHINGTON LLC; and STATE OF
WASHINGTON DEPARTMENT OF
ECOLOGY,

Defendant-Intervenors,

and

CITY OF COEUR D'ALENE, an Idaho
municipal corporation,

Applicant Defendant-Intervenor

NO. 2:11-CV-01759-BJR

REPLY IN SUPPORT OF CITY OF
COEUR D'ALENE'S MOTION TO
INTERVENE AS DEFENDANT
PURSUANT TO FRCP 24(A) AND 24(B))

REPLY IN SUPPORT OF COEUR
D'ALENE'S MOTION TO INTERVENE
(NO. 11-1759-BJR)

Tupper Mack Wells PLLC
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Seattle, Washington 98121
TEL 206.493.2300 FAX 206.493.2310

Applicant Defendant-Intervenor City of Coeur d'Alene ("Coeur d'Alene"), respectfully brings to this Court's attention the fact that no party to the case opposes Coeur d'Alene's Motion to Intervene as Defendant Pursuant to FRCP 24(A) and 24(B). Coeur d'Alene's motion is noted for August 12, 2016. Plaintiffs Sierra Club and Center for Environmental Law and Policy; plaintiff-intervenor Spokane Tribe of Indians; and defendant-intervenors Spokane County, Kaiser Aluminum and the Washington Department of Ecology did not file response briefs. Defendants Dennis McLerran, Gina McCarthy and U.S. Environmental Protection Agency filed a response brief on August 8, 2016 taking no position on Coeur d'Alene's motion. Dkt. No. 176.

This law firm brought motions to intervene on behalf of both Coeur d'Alene and, by separate motion, Inland Empire Paper Company. Should this Court grant both motions to intervene counsel will make every effort to avoid duplicative briefing, and will work with counsel for the existing defendant-intervenors to do the same. In addition, Coeur d'Alene will not seek to modify or delay the briefing schedule currently set for EPA's forthcoming motion to dismiss for lack of jurisdiction. Dkt. No. 167.

Dated this 11th day of August, 2016.

/s/James A. Tupper

JAMES A. TUPPER (WSB #16873)

/s/Lynne M. Cohee

LYNNE M. COHEE (WSB #18496)

TUPPER MACK WELLS PLLC
2025 First Avenue, Suite 1100
Seattle, WA 09121
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Email: tupper@tmw-law.com
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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2016, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court of Western District of Washington at Seattle by using the CM/ECF system. Participants in this case No. 2:11-cv-01759-BJR who are registered CM/ECF users will be served by the CM/ECF system.

/s/James A. Tupper

/s/Lynne M. Cohee

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